United Nations A/C.3/65/L.52

General Assembly

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Sixty-fifth session
Third Committee
Agenda item 67
Right of peoples to self-determination

Afghanistan, Algeria, Andorra, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Bolivia (Plurinational State of), Brunei Darussalam, Burundi, Cape Verde, Central African Republic, Comoros, Cuba, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Guinea-Bissau, Indonesia, Iraq, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Oman, Pakistan, Qatar, Russian Federation, St. Lucia, St. Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Tajikistan, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe and Palestine: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.

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Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption and accelerated advancement of negotiations within the Middle East peace process, based on the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map,[11] and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 64/150 of 18 December 2009,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[5] See resolution 50/6.

[6] See resolution 55/2.

[7] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[8] See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[9] See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[10] A/56/1026-S/2002/932, annex II, resolution 14/221.

[11] S/2003/529, annex.

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2 November 2010

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Sixty-fifth session
Third Committee
Agenda item 66
Elimination of racism, racial discrimination, xenophobia and related intolerance

Armenia, Austria, Belgium, Croatia, Denmark, Finland, Guatemala, Latvia, Luxembourg, Montenegro, Netherlands, Portugal, Republic of Moldova, Serbia, Sweden and Switzerland: draft resolution

International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 63/243 of 24 December 2008,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3]

[1] United Nations, *Treaty Series*, vol. 660, No. 9464.
[2] A/CONF.157/24 (Part I), chap. III.
[3] See A/CONF.189/12 and Corr.1, chap. I.

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Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations,[4] and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Noting that, as regards the biennium 2010-2011, the budgetary requirements related to the requested extension of meeting time will be met from within the approved budgetary provision and those for the biennium 2012-2013 will be dealt with in the context of the proposed programme budget for that biennium,

Noting also the increasing number of requests for more meeting time from the human rights treaty monitoring bodies,

I

Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its seventy-fourth and seventy-fifth[5] and its seventy-sixth[6] and seventy-seventh sessions;

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

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[4] See CERD/SP/45, annex.

[5] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 18* (A/64/18).

[6] To be issued as *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 18* (A/65/18).

4. *Expresses its concern* at the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Also encourages* States parties to the Convention to take into account, in their nomination of members to the Committee on the Elimination of Racial Discrimination, that the Committee shall be composed of persons of high moral character, acknowledged impartiality and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience and to the equal representation of women and men, and that members shall serve in their personal capacity, and reiterates that, in the elections to the Committee, consideration shall be given to equitable geographical distribution in the membership and to the representation of the different forms of civilization and of the principal legal systems;

7. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular with the Human Rights Council, its Advisory Committee and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and with intergovernmental organizations, as well as with non-governmental organizations;

8. *Encourages* States parties to the Convention to continue to include a gender perspective in their reports to the Committee on the Elimination of Racial Discrimination, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

9. *Calls upon* States parties to the Convention to include information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance in their national reports to the universal periodic review mechanism of the Human Rights Council, and encourages States parties to the Convention to take into account the relevant recommendations derived therefrom in strengthening the implementation of the Convention;

10. *Notes with appreciation* the engagement of the Committee in the follow-up to the Durban Declaration and Programme of Action;[3]

11. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and encourages the Committee to continue its activities in this regard;

12. *Welcomes*, in this regard, measures taken by the Committee to follow up on its concluding observations and recommendations, such as the appointment of a follow-up coordinator[7] and the adoption of the guidelines on follow-up;[8]

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[7] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[8] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

13. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting as well as to solving the problem of the backlog of reports of States parties in an effective manner, including by identifying efficiencies and maximizing the use of their resources as well as learning and sharing best practices and experiences in this regard;

14. *Notes* the persistent backlog of reports of States parties awaiting consideration, which prevents the Committee from considering the periodic reports of States parties in a timely manner and without undue delay;

15. *Recalls* the decision by the General Assembly, in its resolution 63/243, to allow the Committee to meet twice a year for four weeks until the end of 2011, and notes the request of the Committee that the Assembly extend the authorization of the per session meeting time starting in 2012;

16. *Welcomes* the evaluation of the use of additional meeting time by the human rights treaty bodies,[9] taking into account a more comprehensive approach to the backlog of human rights treaty bodies and the increasing number of reports of States parties to the human rights conventions prepared by the Office of the United Nations High Commissioner for Human Rights, and stresses its conclusion that the additional meeting time has allowed the Committee to reduce the backlog of reports and that a return to the normal three-week sessions would immediately increase the backlog, which would then have serious consequences for the effectiveness and credibility of the Committee;

17. *Decides* to extend the authorization to the Committee to meet, on a temporary basis, starting from 2012 until the end of 2013, for four weeks per session;

18. *Requests* the Secretary General to submit to the General Assembly at its sixty-sixth session concrete proposals on the human rights treaty monitoring bodies, building on the work of the Secretary-General pursuant to Human Rights Council resolution 9/8[10] of 24 September 2008, to increase their effectiveness and to identify efficiencies in their working methods and costs in order better to manage their workloads and programmes of work, bearing in mind budgetary constraints and taking account of the varying burdens on each Committee;

II
Financial situation of the Committee on the Elimination of Racial Discrimination

19. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[11]

20. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination[1] have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in

[9] A/65/317.

[10] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/531/Add.1), chap. I.

[11] A/65/312.

arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

21. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

22. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

23. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-seventh session;

III
Status of the International Convention on the Elimination of All Forms of Racial Discrimination

24. *Commemorates* the forty-fifth anniversary of the adoption of the Convention on the Elimination of All Forms of Racial Discrimination, and takes this opportunity to call for the effective implementation of the Convention by all States parties to eliminate all forms of racial discrimination;

25. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[12]

26. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-three;

27. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination;

28. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action,[3] and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

29. *Urges* all States that have not yet become parties to the Convention to ratify or accede to it as a matter of urgency;

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[12] A/65/292.

30. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

31. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at fifty-four, and requests States parties that have not yet done so to consider making that declaration;

32. *Invites* the Chairperson of the Committee on the Elimination of Racial Discrimination to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-seventh session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance";

33. *Decides* to consider, at its sixty-seventh session, under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", the reports of the Committee on its seventy-eighth and seventy-ninth and its eightieth and eighty-first sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

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Sixty-fifth session
Third Committee
Agenda item 67
Right of peoples to self-determination

Algeria, Belarus, Bolivia, China, Cuba, Democratic People's Republic of Korea, Ecuador, El Salvador, Eritrea, Ethiopia, Myanmar, Nicaragua, Pakistan, Russian Federation, Saint Vincent and the Grenadines, Solomon Islands, South Africa, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 64/151 of 18 December 2009, and Human Rights Council resolutions 15/12 of 30 September 2010 and 15/26 of 1 October 2010,[1] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as by the African Union,[3]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of

[1] See A/HRC/RES/15/12 and A/HRC/RES/15/26.
[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.
[3] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

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peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[4]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,[5] and expresses its appreciation for the work of the experts of the Working Group;

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States

[4] Resolution 2625 (XXV), annex.

[5] See A/65/325.

conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes* its utmost concern about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[6]

9. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal

[6] United Nations, *Treaty Series*, vol. 2163, No. 37789.

framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session,[7] including the elaboration and presentation of concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

16. *Expresses its appreciation* to the Office of the High Commissioner for its support for the holding of the five regional governmental consultations on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

17. *Notes with appreciation* the work of the Working Group on the elaboration of concrete principles on the regulation of private companies offering military assistance, consultancy and other military security related services on the international market, which it carried out after country visits and through the process of regional consultations, and in consultation with academics and intergovernmental and non-governmental organizations, and also its work on the draft convention on the regulation, monitoring and oversight of private military and security companies for consideration by Member States;

18. *Encourages* Member States to carefully consider the draft proposal of the Working Group for a possible new international legal instrument regulating private military and security companies and recommends to all Member States, including those confronted with the phenomenon of private military and security companies as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, to contribute to the Human Rights Council's open-ended Working Group tasked with elaborating a new convention regulating private military and security companies, taking into account the initial work done by the Working Group on the use of mercenaries;

19. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

20. *Requests* the Secretary General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering

[7] See E/CN.4/2004/15, para. 47.

mercenary-related activities, in order to meet the demands of its current and future activities;

21. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-sixth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

22. *Decides* to consider at its sixty-sixth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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Sixty-fifth session
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Agenda item 28 (b)
Advancement of women: implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly

Draft resolution submitted by the Chair on the basis of informal consultations

Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

The General Assembly,

Recalling its previous resolutions on the question, including resolution 64/141 of 18 December 2009,

Deeply convinced that the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"[2] are important contributions to the achievement of gender equality and the empowerment of women, and must be translated into effective action by all States, the United Nations system and other organizations concerned,

Reaffirming the commitments to gender equality and the advancement of women made at the Millennium Summit,[3] the 2005 World Summit,[4] the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals[5] and other major United Nations summits, conferences and special sessions, and reaffirming also that their full, effective and accelerated implementation is integral to achieving the internationally agreed development goals, including the Millennium Development Goals,

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[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[2] Resolution S-23/2, annex, and resolution S-23/3, annex.

[3] See resolution 55/2.

[4] See resolution 60/1.

[5] See resolution 65/1.

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Welcoming progress made towards achieving gender equality, but stressing that challenges and obstacles remain in the implementation of the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session,[2]

Recognizing that the responsibility for the implementation of the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session[2] rests primarily at the national level and that strengthened efforts are necessary in this respect, and reiterating that enhanced international cooperation is essential for full, effective and accelerated implementation,

Noting the declaration adopted by the Commission on the Status of Women on the occasion of the fifteenth anniversary of the Fourth World Conference on Women,[6]

Welcoming the work of the Commission on the Status of Women in reviewing the implementation of the Beijing Declaration and Platform for Action,[1] and noting with appreciation all its agreed conclusions,

Welcoming the adoption of General Assembly resolution 64/289 on system-wide coherence, in particular the establishment of the United Nations Entity for Gender Equality and the Empowerment of Women, to be known as UN Women,

Welcoming the appointment of Michelle Bachelet, former President of Chile, as Under-Secretary-General and head of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women),

Looking forward to the timely, effective and efficient operationalization of UN Women and noting the importance of the early elaboration of the forthcoming strategic plan and budget for its operationalization, as well as stressing the need to meet the initial funding requirement to this end,

Reaffirming that gender mainstreaming is a globally accepted strategy for promoting the empowerment of women and achieving gender equality by transforming structures of inequality, and reaffirming also the commitment to actively promote the mainstreaming of a gender perspective in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, as well as the commitment to strengthen the capabilities of the United Nations system in the area of gender equality,

Taking note with appreciation of the report of the Secretary-General on mainstreaming a gender perspective into all policies and programmes in the United Nations system,[7] and stressing the importance of the continued integration of a gender perspective in the work and activities of the Human Rights Council,

Reaffirming the commitments in regard to gender equality and the empowerment of women in the Doha Declaration on Financing for Development: outcome document of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus,[8]

Bearing in mind the challenges and obstacles to changing discriminatory attitudes and gender stereotypes, which perpetuate discrimination against women

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[6] See *Official Records of the Economic and Social Council, 2010, Supplement No. 7* (E/2010/27), chap. I, sect. A.

[7] E/2010/57.

[8] Resolution 63/239, annex.

and stereotypic roles of men and women, and stressing that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women,

Reaffirming the Declaration of Commitment on HIV/AIDS[9] and the Political Declaration on HIV/AIDS adopted at the High-level Meeting on HIV/AIDS, held from 31 May to 2 June 2006,[10] which, inter alia, acknowledged the feminization of the pandemic,

Expressing serious concern that the urgent goal of 50/50 gender balance in the United Nations system, especially at senior and policymaking levels, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter of the United Nations, remains unmet, and that the representation of women in the United Nations system has remained almost static, with negligible improvement in some parts of the system, as reflected in the report of the Secretary-General on the improvement of the status of women in the United Nations system,[11]

Reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding,

Recalling Security Council resolutions 1325 (2000) of 31 October 2000, 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009 and 1889 (2009) of 5 October 2009 on women and peace and security and resolution 1882 (2009) of 4 August 2009 on children and armed conflict,

1. *Takes note with appreciation* of the report of the Secretary-General on the measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly;[12]

2. *Reaffirms* the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women[1] and the outcome of the twenty-third special session of the General Assembly,[2] as well as the declaration adopted on the occasion of the ten-year review and appraisal of the implementation of the Beijing Declaration and Platform for Action at the forty-ninth session of the Commission on the Status of Women, and also reaffirms its commitment to their full, effective and accelerated implementation;

3. *Also reaffirms* the primary and essential role of the General Assembly and the Economic and Social Council, as well as the catalytic role of the Commission on the Status of Women, in promoting gender equality and the empowerment of women based on the full implementation of the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session,[2] and in promoting and monitoring gender mainstreaming within the United Nations system;

4. *Recognizes* that the implementation of the Beijing Declaration and Platform for Action[1] and the fulfilment of the obligations of States parties under the

[9] Resolution S-26/2, annex.
[10] Resolution 60/262, annex.
[11] A/65/334.
[12] A/65/204.

Convention on the Elimination of All Forms of Discrimination against Women[13] are mutually reinforcing in respect of achieving gender equality and the empowerment of women, and in this regard welcomes the contributions of the Committee on the Elimination of Discrimination against Women to promoting the implementation of the Platform for Action and the outcome of the twenty-third special session, and invites States parties to the Convention to include information on measures taken to enhance implementation at the national level in their reports to the Committee under article 18 of the Convention;

5. *Calls upon* States parties to comply fully with their obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto[14] and to take into consideration the concluding observations as well as the general recommendations of the Committee, urges States parties to consider limiting the extent of any reservations that they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible, and to regularly review such reservations with a view to withdrawing them so as to ensure that no reservation is incompatible with the object and purpose of the Convention, also urges all Member States that have not yet ratified or acceded to the Convention to consider doing so, and calls upon those Member States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocol;

6. *Welcomes* the establishment of UN Women, which consolidates mandates and functions of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, with the additional role of leading, coordinating and promoting the accountability of the United Nations system in its work on gender equality and the empowerment of women, as established under General Assembly resolution 64/289;

7. *Recognizes* the role of the General Assembly, the Economic and Social Council and the Commission on the Status of Women, as the multi-tiered intergovernmental governance structure for the normative support functions that shall provide normative policy guidance for UN Women;

8. *Recognizes* the role of the General Assembly, the Economic and Social Council and the Executive Board of UN Women, as the multi-tiered intergovernmental governance structure for the operational activities that shall provide operational policy guidance for UN Women;

9. *Urges* Member States to ensure adequate funding for the budget of UN Women by providing, when legislative and budgetary provisions allow, core, multi-year, predictable, stable and sustainable voluntary contributions to enable UN Women to promptly and effectively plan and carry out its mandate;

10. *Welcomes* the ministerial declaration adopted by the Economic and Social Council in 2010 on the theme "Implementing the internationally agreed goals and commitments in regard to gender equality and empowerment of women";

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[13] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[14] Ibid., vol. 2131, No. 20378.

11. *Endorses* the declaration adopted by the Commission on the Status of Women at its fifty-fourth session on the occasion of the fifteenth anniversary of the Fourth World Conference on Women;[6]

12. *Encourages* all actors, inter alia, Governments, the United Nations system, other international organizations and civil society, to continue to support the work of the Commission on the Status of Women in fulfilling its central role in the follow-up to and review of the implementation of the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session,[2] and, as applicable, to carry out its recommendations, and welcomes in this regard the revised programme and methods of work of the Commission adopted at its fifty-third session,[15] which continue to focus attention on the sharing of experiences, lessons learned and good practices in overcoming challenges to full implementation at the national and international levels as well as to the evaluation of progress in the implementation of priority themes;

13. *Calls upon* Governments and the organs and relevant funds, programmes and specialized agencies of the United Nations system, within their respective mandates, and other international and regional organizations, including financial institutions, and all relevant actors of civil society, including non-governmental organizations, to intensify action to achieve the full and effective implementation of the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session;[2]

14. *Reaffirms* that States have an obligation to exercise due diligence to prevent violence against women and girls, provide protection to the victims and investigate, prosecute and punish the perpetrators of violence against women and girls, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms, calls upon Governments to elaborate and implement laws and strategies to eliminate violence against women and girls, encourages and supports men and boys in taking an active part in the prevention and elimination of all forms of violence, encourages increased understanding among men and boys of how violence harms girls, boys, women and men and undermines gender equality, encourages all actors to speak out against any violence against women, and in this regard welcomes encourages Member States to continue to support the ongoing campaign of the Secretary-General on the theme "UNiTE to End Violence against Women" and the UN Women social mobilization and advocacy platform "Say NO to violence against women";

15. *Reiterates* its call to the United Nations system, including the main organs, their main committees and subsidiary bodies, functions such as the annual ministerial review and the Development Cooperation Forum of the Economic and Social Council, and the funds, programmes and specialized agencies, to increase efforts to fully mainstream a gender perspective into all issues under their consideration and within their mandates, as well as in all United Nations summits, conferences and special sessions and in their follow-up processes, including the Fourth United Nations Conference on the Least Developed Countries in 2011, the United Nations Conference on Sustainable Development in 2012 ("Rio plus 20") and the second review and appraisal of the Madrid Plan of Action on Ageing in 2012;

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[15] See Economic and Social Council resolution 2009/15.

16. *Requests* that the entities of the United Nations system systematically incorporate the outcomes of the Commission on the Status of Women into their work within their mandates, inter alia, to ensure effective support for the efforts of Member States towards the achievement of gender equality and the empowerment of women;

17. *Strongly encourages* Governments to continue to support the role and contribution of civil society, in particular non-governmental organizations and women's organizations, in the implementation of the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session;[2]

18. *Requests* that reports of the Secretary-General submitted to the General Assembly and the Economic and Social Council and their subsidiary bodies systematically address gender perspectives through qualitative gender analysis, sex- and age-disaggregated data and, where available, quantitative data, in particular through concrete conclusions and recommendations for further action on gender equality and the empowerment of women, in order to facilitate gender-sensitive policy development;

19. *Encourages* Member States, with the support of, as appropriate, United Nations entities, including UN Women, international and regional organizations and other relevant actors, to prioritize the strengthening of national data collection and monitoring capacities, with regard to statistics disaggregated by sex and age, as well as national tracking indicators for gender equality and the empowerment of women through multisectoral efforts and partnerships;

20. *Calls upon* all parts of the United Nations system to continue to play an active role in ensuring the full, effective and accelerated implementation of the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session,[2] through, inter alia, the maintenance of gender specialists in all entities of the United Nations system, as well as by ensuring that all personnel, especially in the field, receive training and appropriate follow-up, including tools, guidance and support, for accelerated gender mainstreaming, and reaffirms the need to strengthen the capabilities of the United Nations system in the area of gender;

21. *Requests* the Secretary-General to review and redouble his efforts to make progress towards achieving the goal of 50/50 gender balance at all levels throughout the United Nations system, with full respect for the principle of equitable geographical distribution, in conformity with Article 101, paragraph 3, of the Charter of the United Nations, considering, in particular, women from developing and least developed countries, from countries with economies in transition and from unrepresented or largely underrepresented Member States, and to ensure managerial and departmental accountability with respect to gender balance targets, and strongly encourages Member States to identify and regularly submit more women candidates for appointment to positions in the United Nations system, especially at more senior and policymaking levels, including in peacekeeping operations;

22. *Calls upon* the United Nations system to continue its efforts towards achieving the goal of gender balance, including with the active support of gender focal points, and requests the Secretary-General to provide an oral report to the Commission on the Status of Women at its fifty-fifth session, and to report to the General Assembly at its sixty-seventh session on the improvement of the status of

women in the United Nations system, under the item entitled "Advancement of women", and on progress made and obstacles encountered in achieving gender balance, recommendations for accelerating progress, and up-to-date statistics, including the number and percentage of women and their functions and nationalities throughout the United Nations system, and information on the responsibility and accountability of the offices of human resources management and the secretariat of the United Nations System Chief Executives Board for Coordination for promoting gender balance;

23. *Encourages* increased efforts by Governments and the United Nations system to enhance accountability for the implementation of commitments to gender equality and the empowerment of women at the international, regional and national levels, including by improved monitoring and reporting on progress in relation to policies, strategies, resource allocations and programmes, and by achieving gender balance;

24. *Reaffirms* that Governments bear the primary responsibility for the achievement of gender equality and the empowerment of women and that international cooperation has an essential role in assisting developing countries in progressing towards the full implementation of the Beijing Declaration and Platform for Action;[1]

25. *Requests* the Secretary-General to continue to report annually to the General Assembly under the item entitled "Advancement of women", as well as to the Commission on the Status of Women and the Economic and Social Council, on the follow-up to and progress made in the implementation of the Beijing Declaration and Platform for Action[1] and the outcome of the twenty-third special session,[2] with an assessment of progress in gender mainstreaming, including information on key achievements, lessons learned and good practices, and recommendations on further measures to enhance implementation.

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Sixty-fifth session
Third Committee
Agenda item 61
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Mali:* draft resolution

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and the African Charter on Human and Peoples' Rights,[2]

Reaffirming that the 1951 Convention relating to the Status of Refugees,[3] together with the 1967 Protocol thereto,[4] as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Recognizing the particular vulnerability of women and children among refugees and other persons of concern, including exposure to discrimination and sexual and physical abuse,

Gravely concerned by the deteriorating conditions in some of the refugee camps in Africa,

Recognizing that refugees, internally displaced persons and, in particular, women and children are at an increased risk of exposure to HIV/AIDS, malaria and other infectious diseases,

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] United Nations, *Treaty Series*, vol. 1001, No. 14691.

[2] Ibid., vol. 1520, No. 26363.

[3] Ibid., vol. 189, No. 2545.

[4] Ibid., vol. 606, No. 8791.

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Welcoming the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,[5] which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

Noting with appreciation the Pact on Security, Stability and Development in the Great Lakes Region[6] and its instruments, in particular two of the protocols to the Pact which are relevant to the protection of displaced persons, namely, the Protocol on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons,

Recognizing that host States have the primary responsibility for the protection of and assistance to refugees on their territory, and the need to redouble efforts to develop and implement comprehensive durable solution strategies, in appropriate cooperation with the international community, and burden- and responsibility- sharing,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

1. *Takes note* of the reports of the Secretary General[7] and the United Nations High Commissioner for Refugees;[8]

2. *Calls upon* African Member States that have not yet signed or ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa[5] to consider doing so as early as possible in order to ensure its early entry into force and implementation;

3. *Notes* the need for African Member States to address resolutely root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall flows of refugees;

4. *Notes with great concern* that, despite all of the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious, and calls upon States and other parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. *Welcomes* decision EX.CL/Dec.558(XVII) on the situation of refugees, returnees and displaced persons in Africa, adopted by the Executive Council of the African Union at its seventeenth ordinary session, held in Kampala from 19 to 23 July 2010;[9]

6. *Expresses its appreciation*, in the year which marks the sixtieth anniversary of the Office of the United Nations High Commissioner for Refugees, for the leadership shown by the Office, and commends the Office for its ongoing efforts, with the support of the international community, to assist African countries

[5] Available from www.africa-union.org.
[6] Available from www.icglr.org.
[7] A/65/324.
[8] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 12* (A/65/12).
[9] See African Union document EX.CL/Dec.556-599(XVII). Available from www.africa-union.org.

of asylum, including by providing support to vulnerable local host communities, and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

7. *Notes with appreciation* the initiatives taken by the African Union, the Subcommittee on Refugees, Returnees and Internally Displaced Persons of its Permanent Representatives Committee, and the African Commission on Human and Peoples' Rights, in particular the role of its Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa, to ensure the protection of and assistance to refugees, returnees and displaced persons in Africa;

8. *Welcomes* the adoption by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its sixty-first session of its conclusions on protracted refugee situations[10] and on refugees with disabilities and other persons with disabilities protected and assisted by the Office of the High Commissioner;[11]

9. *Acknowledges* the important contribution of the age, gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community, in particular the non discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees;

10. *Affirms* that children, because of their age, social status and physical and mental development, are often more vulnerable than adults in situations of forced displacement, recognizes that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement and statelessness can increase child protection risks, taking into account the particular vulnerability of refugee children to forcible exposure to the risks of physical and psychological injury, exploitation and death in connection with armed conflict, and acknowledges that wider environmental factors and individual risk factors, particularly when combined, may generate different protection needs;

11. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

12. *Also recognizes* the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

13. *Recalls* the conclusion on registration of refugees and asylum-seekers adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-second session,[12] notes the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status, recalls the responsibility of States to register refugees on their territories and, as appropriate, the responsibility of the Office of the High Commissioner or mandated international bodies to do so, reiterates in this context

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[10] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 12A* (A/65/12/Add.1), annex II, sect. A.

[11] Ibid., chap. III, sect. A.

[12] Ibid., *Fifty-sixth Session, Supplement No. 12A* (A/56/12/Add.1), chap. III, sect. B.

the central role that early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office, as appropriate, to help States to conduct this procedure should they be unable to register refugees on their territory;

14. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight, facilitating durable solutions for refugees and displaced persons and supporting vulnerable local host communities;

15. *Reaffirms* the importance of timely and adequate assistance and protection for refugees, returnees and displaced persons, also reaffirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights and community based approach in engaging constructively with individual refugees, returnees and displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern in regard to situations in which minimum standards of assistance are not met, including those in which adequate needs assessments have yet to be undertaken;

16. *Also reaffirms* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States;

17. *Further reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, calls upon States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character, and encourages the High Commissioner to continue efforts, in consultation with States and other relevant actors, to ensure the civilian and humanitarian character of camps;

18. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers, notes with interest that the High Commissioner has continued to take steps to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue those efforts, in consultation with States and other relevant actors;

19. *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of staff members of the Office of the High Commissioner and other humanitarian organizations and an obstacle to the effective

fulfilment of the mandate of the Office and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office and that of all humanitarian organizations discharging functions mandated by the Office, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

20. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the protection system for refugees, asylum-seekers and internally displaced persons;

21. *Calls upon* the Office of the High Commissioner, the international community and other entities concerned to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, in particular those Governments that have received large numbers of refugees and asylum seekers;

22. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

23. *Also reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity, and urges the High Commissioner to promote sustainable return through the development of durable and lasting solutions, particularly in protracted refugee situations;

24. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

25. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country resettlement needs of African refugees, notes in this regard the importance of using

resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages States, the Office of the High Commissioner and other relevant partners to make full use of the Multilateral Framework of Understandings on Resettlement,[13] where appropriate;

26. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum as well as internally displaced persons, where appropriate;

27. *Urges* the international community, in the spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, inter alia, as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

28. *Encourages* the Office of the High Commissioner and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical approaches to resolving such refugee situations, including improvement of international burden- and responsibility-sharing and realization of durable solutions, within a multilateral context;

29. *Expresses grave concern* about the plight of internally displaced persons in Africa, notes the efforts of African States in strengthening the regional mechanisms for the protection of and assistance to internally displaced persons, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,[14] takes note of the current activities of the Office of the High Commissioner related to the protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

30. *Invites* the Representative of the Secretary-General on the human rights of internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Human Rights Council and the General Assembly;

31. *Requests* the Secretary General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its sixty-sixth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions".

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[13] Available from www.unhcr.org.

[14] E/CN.4/1998/53/Add.2, annex.

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Sixty-fifth session
Third Committee
Agenda item 63
Report of the Human Rights Council

Mali:* draft resolution

Report of the Human Rights Council

The General Assembly,

Having considered the recommendations contained in the report of the Human Rights Council and the addendum thereto,[1]

Takes note of the report of the Human Rights Council and the addendum thereto[1] and acknowledges the recommendations contained therein.

* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement Nos. 53* (A/65/53) and *53 A* (A/65/53/Add.1).

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Algeria, Andorra, Brazil, Croatia, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Israel, Liechtenstein, Monaco, Montenegro, Norway, Poland, Serbia, Sweden and Thailand: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-first session[2] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation, in this year which marks the sixtieth anniversary of the Office of the United Nations High Commissioner for Refugees, for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underlining its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-first session;[2]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the

[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 12* (A/65/12).
[2] Ibid., *Supplement No. 12A* (A/65/12/Add.1).

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course of the year, which is aimed at strengthening the international protection regime and at assisting Governments in meeting their protection responsibilities;

3. *Welcomes* the adoption by the Executive Committee of the conclusion on protracted refugee situations[3] and the conclusion on refugees with disabilities and other persons with disabilities protected and assisted by the Office of the High Commissioner for Refugees;[4]

4. *Reaffirms* the 1951 Convention relating to the Status of Refugees[5] and the 1967 Protocol thereto[6] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-seven States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines, in particular, the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

5. *Notes* that sixty-five States are now parties to the 1954 Convention relating to the Status of Stateless Persons[7] and that thirty-seven States are parties to the 1961 Convention on the Reduction of Statelessness,[8] encourages States that have not done so to give consideration to acceding to those instruments, notes the work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

6. *Welcomes* the initiative of the United Nations High Commissioner for Refugees to facilitate the convening of an intergovernmental event at the ministerial level on the occasion of the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees and of the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness, in consultation with States;

7. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

8. *Also re-emphasizes* that prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

9. *Further re-emphasizes* that protection of and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

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[3] Ibid., annex II, sect. A.
[4] Ibid., chap. III, sect. A.
[5] United Nations, *Treaty Series*, vol. 189, No. 2545.
[6] Ibid., vol. 606, No. 8791.
[7] Ibid., vol. 360, No. 5158.
[8] Ibid., vol. 989, No. 14458.

10. *Encourages* the Office of the High Commissioner to pursue its efforts to strengthen its capacity to respond adequately to emergencies and thereby ensure a more predictable response to inter-agency commitments in case of emergency;

11. *Takes note* of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the mandate of the Office for refugees and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

12. *Encourages* the Office of the High Commissioner to work in partnership and in full cooperation with relevant national authorities, United Nations offices and agencies, international and intergovernmental organizations, regional organizations and non-governmental organizations to contribute to the continued development of humanitarian response capacities at all levels, and recalls the role of the Office as the cluster lead for protection, camp coordination and management, and emergency shelter in complex emergencies;

13. *Also encourages* the Office of the High Commissioner, among other relevant United Nations and other relevant intergovernmental organizations and humanitarian and development actors, to continue to work with the Office for the Coordination of Humanitarian Affairs of the Secretariat to enhance the coordination, effectiveness and efficiency of humanitarian assistance and to contribute, in consultation with States, as appropriate, to making further progress towards common humanitarian needs assessments, as stated, among other important issues, in General Assembly resolution 64/76 of 7 December 2009 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations;

14. *Further encourages* the Office of the High Commissioner to engage in and implement in full the objectives of the Delivering as One initiative;

15. *Notes with appreciation* the progress made in the implementation of the process of structural and management change, including the global needs assessment initiative, undertaken by the Office of the High Commissioner, and encourages the Office to consolidate the various aspects of the reform process, including the results-based management and accountability framework and strategy, and to focus on continuous improvement in order to enable a more efficient response to the needs of beneficiaries and to ensure the effective and transparent use of its resources;

16. *Strongly condemns* attacks on refugees, asylum-seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all States concerned and, where applicable, parties involved in an armed conflict to take all necessary measures to ensure respect for human rights and international humanitarian law;

17. *Expresses deep concern* about the increasing number of attacks against humanitarian aid workers and convoys and, in particular, the loss of life of humanitarian personnel working in the most difficult and challenging conditions in order to assist those in need;

18. *Emphasizes* the need for States to ensure that perpetrators of attacks committed on their territory against humanitarian personnel and United Nations and

associated personnel do not operate with impunity, and that the perpetrators of such acts are promptly brought to justice as provided for by national laws and obligations under international law;

19. *Deplores* the refoulement and unlawful expulsion of refugees and asylum-seekers, and calls upon all States concerned to ensure respect for the relevant principles of refugee protection and human rights;

20. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

21. *Affirms* the importance of age, gender and diversity mainstreaming in analysing protection needs and in ensuring the participation of refugees and other persons of concern to the Office of the High Commissioner, as appropriate, in the planning and implementation of programmes of the Office and State policies, and also affirms the importance of according priority to addressing discrimination, gender inequality and the problem of sexual and gender-based violence, recognizing the importance of addressing the protection needs of women and children in particular;

22. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

23. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions;

24. *Recognizes* the importance of achieving durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees;

25. *Welcomes* the initiative of the High Commissioner to convene, in Geneva on 8 and 9 December 2010, the third fourth Dialogue on Protection Challenges, on the theme "Protection gaps and responses";

26. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, relevant United

Nations agencies, international and intergovernmental organizations, regional organizations, as appropriate, non-governmental organizations and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes an approach to sustainable and timely return which encompasses repatriation, reintegration, rehabilitation and reconstruction activities, and encourages States, in cooperation with relevant United Nations agencies, international and intergovernmental organizations, regional organizations, non-governmental organizations and development actors, to support, inter alia, through the allocation of funds, the implementation of such a framework to facilitate an effective transition from relief to development;

27. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

28. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, and the contribution that those States make to durable solutions for refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Multilateral Framework of Understandings on Resettlement,[9] where appropriate and feasible;

29. *Notes with appreciation* the activities undertaken by States to strengthen the regional initiatives that facilitate cooperative policies and approaches on refugees, and encourages States to continue their efforts to address, in a comprehensive manner, the needs of the people who require international protection in their respective regions, including the support provided for host communities that receive large numbers of persons who require international protection;

30. *Notes* the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

31. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

32. *Expresses deep concern* about the challenges posed by climate change and environmental degradation to the protection activities of the Office of the High Commissioner and the assistance it provides to vulnerable populations of concern across the globe, particularly in the least developed countries, and urges the Office to continue to address such challenges in its work, within its mandate, and in consultation with national authorities and in cooperation with competent agencies in its operations;

33. *Notes* the positive efforts undertaken by the Government of Iraq to ensure the return and reintegration of Iraqi displaced citizens in and from Iraq, as

[9] Available from www.unhcr.org.

well as the measures taken by host countries in the region in support of the displaced from Iraq, recognizes the serious impact of the displacement on the social and economic situation in the countries of the region, and in that context, calls upon the international community to act in a targeted and coordinated manner to provide protection and increased assistance to the persons displaced in order to enable the countries in the region to strengthen their capacity to respond to the needs in partnership with the Office of the High Commissioner, other United Nations agencies, the International Red Cross and Red Crescent Movement and non-governmental organizations;

34. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, in particular those that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition;

35. *Expresses deep concern* about the existing and potential challenges posed by the world financial and economic crisis to the activities of the Office of the High Commissioner;

36. *Calls upon* the Office of the High Commissioner to further explore ways and means to broaden its donor base, so as to achieve greater burden-sharing by reinforcing cooperation with governmental donors, non-governmental donors and the private sector;

37. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[10] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003, 59/170 of 20 December 2004, 60/129 of 16 December 2005, 61/137 of 19 December 2006, 62/124 of 18 December 2007, 63/148 of 18 December 2008 and 64/127 of 18 December 2009 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

38. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-sixth session.

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[10] Resolution 428 (V), annex.

United Nations A/C.3/65/L.59

General Assembly

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Sixty-fifth session
Third Committee
Agenda item 63
Report of the Human Rights Council

Argentina, Austria, Bolivia (Plurinational State of), Cuba, Denmark, Dominican Republic, El Salvador, Finland, France, Gabon, Guatemala, Hungary, Nicaragua, Peru, Poland, Venezuela (Bolivarian Republic of): draft resolution

Proclamation of 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,[3]

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,

Recalling articles 32 and 33 of Additional Protocol I to the Geneva Conventions of 12 August 1949[4] and article 24, paragraph 2, of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, according to which each victim has the right to know the truth regarding the circumstances of enforced disappearances, the progress and results of the investigation and the fate of the disappeared person,

Taking into account the right to the truth as defined in Commission on Human Rights resolution 2005/66 of 20 April 2005, and Human Rights Council decision 2/105 of 27 November 2006 and resolutions 9/11 of 24 September 2008 and 12/12 of 1 October 2009 on the right to the truth,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] A/CONF.157/24 (Part I), chap. III.
[4] United Nations, *Treaty Series*, vol. 1125, No. 17512.

Please recycle

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General Assembly

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Sixty-fifth session
Third Committee
Agenda item 66 (b)
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Yemen:* draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Welcoming the outcome of the Durban Review Conference convened in Geneva from 20 to 24 April 2009 within the framework of the General Assembly in accordance with its resolution 61/149 of 19 December 2006,

Recalling its resolution 64/148 of 26 March 2010 in which, inter alia, it called for the 10-year commemoration of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[1]

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

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Noting the approaching commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action in September 2011,

Underlining the fact that the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, and encouraging States and communities to commemorate the tenth year anniversary in all regions through a wide range of activities,

Recalling all of the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation to ensure the successful implementation of the Durban Declaration and Programme of Action,

Noting Human Rights Council decision 3/103 of 8 December 2006,[2] by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and deeply regretting the slow progress made in discharging its mandate,

Bearing in mind the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,[3]

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Expressing serious concern at recent actions taken by some Member States to deport the Roma, which is a vulnerable ethnic minority, and urging States to fully implement their commitments and obligations under international law and relevant international human rights instruments,

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[2] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

[3] See A/CONF.211/8.

Expressing concern at recent deeply marked tendencies within numerous societies to characterize migration as a problem and threat to social cohesion,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Expressing grave concern at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, particularly key paragraphs 157 to 159 of the Programme of Action,

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

Welcoming also the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions held from 5 to 16 October 2009 and from 11 to 22 October 2010, respectively, in particular the recommendation on the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,

Recognizing the potential of sport as a universal language contributing to educating people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

Welcoming the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and in Brazil, respectively, and stressing the importance of making continuing use of these events to promote understanding, tolerance and peace, and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

I
General principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

4. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges vigorously with a view to preventing their practice and protecting victims;

5. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, incitement to such hatred, racial profiling, propagating racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

6. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

7. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

8. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

9. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

10. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

11. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

12. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communication technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

13. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

14. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

15. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[4] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

16. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action,[1] and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

17. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest;

18. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

19. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

20. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[5] and article 5 of the Convention;

21. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with

[4] United Nations, *Treaty Series*, vol. 660, No. 9464.
[5] Resolution 217 A (III).

the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

22. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

23. *Calls upon* Member States to ensure that their responses to the current financial and economic crisis should not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants, persons belonging to national, ethnic, religious and linguistic minorities all over the world;

III
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

24. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance[6] and the recommendations contained therein;

25. *Takes note* of the work done by the Special Rapporteur, and welcomes Human Rights Council resolution 7/34 of 28 March 2008,[7] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

26. *Also takes note* of the reports of the Special Rapporteur,[8] and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in the reports;

27. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

28. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

29. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

30. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

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[6] A/65/295.

[7] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[8] A/65/295 and A/65/323.

31. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-sixth session;

32. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

33. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

34. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination and related intolerance and to promote cultural, ethnic and religious diversity, and in that regard emphasizes the crucial role of education and a variety of awareness-raising measures which contribute to creating tolerant societies, where mutual understanding may be ensured;

35. *Recommends* that all States give due attention to and closely monitor the way in which the concept of national identity is debated within their societies, so that this concept will not be used as a tool to create artificial differences among some groups of the population;

36. *Expressing concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and threat to social cohesion and, in this context, notes the numerous human rights challenges in this regard;

37. *Recommends* that States conduct human rights training for law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law;

38. *Recommends* that States collect disaggregated data in order to design appropriate anti-racial discrimination legislation and policies and monitor their effectiveness, whilst abiding by some key principles, including self-identification, the right to privacy guaranteeing consent of the concerned in the design and implementation of the exercise;

IV
Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference

39. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;[1]

40. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and

effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference and, in this regard, welcomes the steps taken by numerous Governments;

41. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference of 2001;

42. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

43. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

44. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990; [9]

45. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action;

46. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

47. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples; [10]

48. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

49. *Also acknowledges* that the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference are on an equal footing with the outcomes of all the major

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[9] United Nations, *Treaty Series*, vol. 2220, No. 39481.

[10] Resolution 61/295, annex.

United Nations conferences, summits and special sessions in the human rights and social fields;

50. *Decides* to convene on 21 September 2011, a high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, at the level of Heads of State and Government;

51. *Decides also* that the meeting will adopt a short and concise declaration aimed at mobilizing political will for the full and effective implementation of the Durban Declaration and Programme of Action and the outcome of the 2009 Durban Review Conference;

52. *Invites* Member States, international and regional organizations, civil society, including non-governmental organizations, and other stakeholders to organize and support various high visibility initiatives, aimed at effectively increasing awareness at all levels, to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

53. *Requests* the Secretary-General to establish a programme of outreach, with the involvement of Member States, United Nations funds and programmes as well as civil society, including non-governmental organizations, to appropriately commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

54. *Emphasizes* the critical importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization;

55. *Welcomes* the decision of the Human Rights Council to convene a panel discussion during the high-level segment of its sixteenth session focusing on the full enjoyment of the human rights of people of African descent, to mark the International Year for People of African Descent;

56. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action and encourages efforts to ensure its translation and wide dissemination;

57. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Department of Public Information of the Secretariat to launch a public information campaign for the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, including wide distribution of user-friendly information materials through the United Nations system, inter alia, through United Nations information centres;

58. *Welcomes* the decision of the Human Rights Council to dedicate part of the programme of work under item 9 at its seventeenth session to a discussion on, inter alia, best practices in the fight against racism, racial discrimination, xenophobia and related intolerance in the context of the tenth anniversary of the Durban Declaration and Programme of Action during the high-level segment of the General Assembly;

59. *Welcomes also* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of

slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

60. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up the World Conference and the Durban Review Conference;

61. *Welcomes* the conclusions and recommendations of the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions, and their focus on the protection of children, migration and employment;

62. *Calls upon* the Human Rights Council to ensure that the conclusions and recommendations of the Intergovernmental Working Group are brought to the attention of the relevant United Nations agencies for adoption and implementation within their respective mandates;

63. *Invites* the Office of the United Nations High Commissioner for Human Rights, in accordance with paragraphs 136 and 137 of the outcome document of the Durban Review Conference,[11] to establish an inter-agency task force, with the participation of representatives of relevant United Nations bodies and specialized agencies, as part of the continuing efforts to mainstream the effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference in the whole United Nations system;

64. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

65. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

66. *Requests* the United Nations High Commissioner for Human Rights to undertake necessary steps with a view to enhance the work of the independent eminent experts and to inform the President of the Human Rights Council and the Secretary-General accordingly on such steps;

67. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all

[11] See A/CONF.211/8, chap. I.

international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

68. *Welcomes* the historic and unique dimension of the 2010 International Federation of Association Football World Cup in South Africa, which marked the first time this major sport event was held on the African continent;

69. *Expresses serious concern* at recent incidents of racism at sporting events targeting, in particular, Africans and people of African descent, and recalling the need to reverse this legacy of racism;

70. *Expresses its appreciation*, in this context, to the Fédération internationale de football association for the initiative to introduce a visible theme on non-racism in football, and invites the Fédération to continue with this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

71. *Calls upon* States to take advantage of mass sports events as valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination;

72. *Acknowledges* the guidance and leadership role of the Human Rights Council, and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference;

73. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the necessary support in order for it to achieve its objectives in this regard;

V
Follow-up activities

74. *Strongly recommends* that future meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action[1] be scheduled in a manner that allows broad participation and that avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

75. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the implementation of the present resolution, with recommendations;

76. *Decides* to remain seized of this important matter at its sixty-sixth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

United Nations A/C.3/65/L.61

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Sixty-fifth session
Third Committee
Agenda item 68 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Egypt: amendment to draft resolution A/C.3/65/L.23/Rev.1

Moratorium on the use of the death penalty

Replace the first preambular paragraph with the following:

Guided by the purposes and principles contained in the Charter of the United Nations, including Article 1, paragraph 3, on achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, while recalling, in particular, Article 2, paragraph 7, which stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State,

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Agenda item 68 (b)
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Botswana: amendment to draft resolution A/C.3/65/L.23/Rev.1

Moratorium on the use of the death penalty

Insert the following new paragraph after the fifth preambular paragraph:

Recognizing that many Member States retain the death penalty on their statutes for the most serious crimes,

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Singapore: amendment to draft resolution A/C.3/65/L.23/Rev.1

Moratorium on the use of the death penalty

Insert the following paragraph as a new operative paragraph 1:

1. Reaffirms the sovereign right of all countries to develop their own legal system, including determining appropriate legal penalties, in accordance with their obligations under international law;

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Programme budget for the biennium 2010-2011

Situation of human rights in Myanmar

Programme budget implications of draft resolution A/C.3/65/L.48

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of operative paragraph 30 of draft resolution A/C.3/65/L.48, the General Assembly would request the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in that regard;

(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively;

(c) To report to the General Assembly at its sixty-sixth session, as well as to the Human Rights Council, on the progress made in the implementation of the resolution.

II. Relationship of the proposed requests to the biennial programme plan and priorities for the period 2010-2011

2. The foregoing requests relate to subprogramme 1, Prevention, control and resolution of conflicts, of programme 2, Political affairs, and subprogramme 3,

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Advisory services, technical cooperation and field activities, and subprogramme 4, Supporting the Human Rights Council, its subsidiary bodies and mechanisms, of programme 19, Human rights, of the Strategic Framework for the period 2010-2011 (A/63/6/Rev.1).

III. Activities by which the requests would be implemented

3. In his report to the General Assembly (A/65/367), the Secretary-General indicated that despite his best efforts, utilization of the good offices was not made to engage meaningfully on issues of mutual interest and concern during the reporting period. This lack of engagement limits the ability of the Secretary-General to fully implement the mandate entrusted to him by the General Assembly. It also disregards the support that Member States have invested in the good offices mandate. Member States, therefore, have an interest and responsibility to translate their support by actively helping to ensure that Myanmar extends the necessary cooperation.

4. Nevertheless, the Secretary-General continued his consultations with the authorities and key stakeholders, including democracy and human rights groups, as well as key Member States with regard to the objectives of the good offices mandate. Engagement continued with the United Nations country team and the broader United Nations System, including the Economic and Social Commission for Asia and the Pacific and international financial institutions. The efforts focused on five key areas, as endorsed by the Group of Friends of the Secretary-General and in the Security Council: (a) the release of all political prisoners, including Daw Aung San Suu Kyi; (b) the need for an all-inclusive, substantive and time-bound dialogue; (c) the need to create conditions conducive to a credible political transition process to a civilian and democratic government; (d) improving socio-economic conditions; and (e) regularizing the good offices process between Myanmar and the United Nations.

5. Following the elections held on 7 November 2010, the Secretary-General issued a statement on 8 November 2010 stressing that the Myanmar authorities have a responsibility to turn the conclusion of the election process into a new beginning for the country and its people, and that they must demonstrate that the ballot was part of a credible transition towards democratic government, national reconciliation, and respect for human rights.

6. The Secretary-General also urged the Myanmar authorities to release the remaining political prisoners and lift restrictions on Daw Aung Suu Kyi without further delay so that they can freely participate in the political life of their country. He also urged the Myanmar authorities to ensure that the process of forming new institutions of Government would be as broad-based and inclusive as possible, and called for renewed dialogue among all stakeholders in this regard as part of any process of national reconciliation.

7. Moving forward, the Secretary-General will remain committed to support the efforts of the Government and the people of Myanmar toward national reconciliation, the transition to democracy, and toward full respect for human rights as the necessary foundation for long-term stability and prosperity.

8. Consistent with the requests contained in operative paragraph 30 of draft resolution A/C.3/65/L.48, the efforts of the Secretary-General will continue in 2011

to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance in that regard. The efforts of his good offices would be carried out through his Special Adviser and his team. The progress made in the implementation of the resolution would be reported to the General Assembly at its sixty-sixth session.

IV. Estimated resource requirements

9. The estimated costs of continuing the efforts of the good offices of the Secretary-General to facilitate the process of national reconciliation and democratization through his Special Adviser for Myanmar, as requested in operative paragraph 30 (a), (b) and (c) of draft resolution A/C.3/65/L.48 for a one-year period, from 1 January to 31 December 2011, amount to $1,216,700 net ($1,370,900 gross).

10. These resources would cover the salaries for the Special Adviser and four staff (2 P-4, 1 P-3 and 1 General Service (Other level)); the official travel of the Special Adviser to Myanmar, neighbouring countries in the region, Europe and North America, including United Nations Headquarters; the services of consultants; and miscellaneous services in support of his mission. Other substantive and administrative support to the Special Adviser would be provided by the Department of Political Affairs of the United Nations Secretariat.

11. The above requirements have been included in the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/65/328/Add.1 and Corr.1), and would be charged against the provision for special political missions included under section 3, Political affairs, of the programme budget for the biennium 2010-2011.

12. With regard to the request contained in the last part of operative paragraph 30 (a), concerning technical assistance, such assistance, if requested, would be accommodated within the technical cooperation activities of the Office of the United Nations High Commissioner for Human Rights. As to the request contained in operative paragraph 30 (b), pertaining to the Special Rapporteur, the Secretary-General, in his report on revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its twelfth, thirteenth and fourteenth sessions (A/65/333 and Corr.1) informed the General Assembly that the activities called for in Council resolution 13/25 (A/65/53, chap. II, sect. A), are considered of a "perennial nature" and as such, provision of an estimated $70,200 per annum to implement the activities of the Special Rapporteur has been made, under section 23, Human rights, of the programme budget for the biennium 2010-2011.

13. No additional resources are requested under section 23, Human rights, at this juncture, beyond those reflected above.

V. Summary

14. **Should the General Assembly adopt draft resolution A/C.3/65/L.48, additional requirements amounting to $1,216,700 net ($1,370,900 gross) would be required for the period from 1 January to 31 December 2011 for the continuation of the efforts of the good offices of the Secretary-General relating to the situation in Myanmar.**

15. **These requirements would be charged against the provision for special political missions under section 3, Political affairs, of the programme budget for the biennium 2010-2011. Approval for these requirements are being sought in the context of the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/65/328/Add.1 and Corr.1), currently before the Assembly for consideration at the main part of its sixty-fifth session.**

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Agenda item 68 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Mali* and Morocco: amendment to draft resolution A/C.3/65/L.29/Rev.1**

Extrajudicial, summary or arbitrary executions

In operative paragraph 6 (b), *replace* any discriminatory reason, including sexual orientation *with* discriminatory reasons on any basis

* On behalf of the States Members of the United Nations that are members of the Group of African States.

** On behalf of the States Members of the United Nations that are members of the Group of Arab States and those that are members of the Organization of the Islamic Conference.

10-63555 (E) 151110

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